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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,500

10/20/2003

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4256

7590

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EXAMINER

ASSESSOR, BRIAN J

ART UNIT

PAPER NUMBER

2114

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/689,500	Applicant(s) WOOD, DOUGLAS A.	
	Examiner Brian J. Assessor	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/20/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 3 and 10 have been canceled.

Claims 1 and 6 have been addressed below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 4-9 are rejected under 35 U.S.C. 103(a) as being anticipated by Douik (6,012,152) in view of Hiliger (5,127,012).

As per claim 1, Douik teaches:

A system for providing root cause failure information about a computer system to a user, comprising:

a monitoring application that monitors a plurality of assets in the computer system and that generates a system incident report when a failure of an asset of the plurality of assets is detected; (Douik column 15, lines 16- 20 and column 36, lines 30-34)

a diagnostic database that lists a plurality of pre-identified symptoms, including a set of potential symptoms, each pre-identified symptom being linked to at least one

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failure of an asset, wherein a potential symptom is activated when the monitoring application detects a failure linked to the pre-identified symptom; (Douik column 15, lines 23-27; each symptom or combination of symptoms can be related to one or many explanations or root causes)

the incident tracking application also configured to associate a user incident report with a system incident report when the user incident report includes a user-observed symptom that corresponds to one of the set of activated symptoms. (Douik column 15, lines 16- 27 and column 36, lines 30-34)

Douik does not explicitly disclose a system for an incident tracking application configured to present to the user a set of activated symptoms that characterize a current state of the plurality of assets, the incident tracking application also configured to receive from the user a user incident report that includes a user-observed symptom selected by the user that corresponds to one of the set of activated symptoms

In column 3, lines 11-13 and 22-23, Hiliger clearly displays a system which displays possible symptoms to a user and the user selects which symptoms that are present. In column 26, lines 57-58 Douik teaches coming up with a "preliminary list of suspect components" and issued. In column 36, line 67 – column 37, line 2, Douik also teaches the use of a human to further limit the possible suspects of the error. It would have been obvious to a person of ordinary skill in the art at the time of invention to include the system as taught by Hiliger, in order to create a more accurate and expedient root cause analysis. This would have been obvious because Hiliger teaches

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that the above system is better suited for creating efficient diagnostic process by ruling out symptoms. (Hiliger column 2, lines 43-53)

As per claim 2, Douik teaches:

The system of claim 1 further comprising an incident tracking database for storing the user incident reports. (Douik column 15, lines 16-20; user reports are stored and sent to the correlation agent.)

As per claim 4, Douik teaches:

The system of claim 3, wherein the system incident report is stored in the incident tracking database. (Douik column 15, lines 16-20; incident reports are stored and sent to the correlation agent.)

As per claim 5, Douik teaches:

The system of claim 1, wherein the diagnostic database further stores a plurality of solutions, each solution being associated with at least one pre-identified symptom. (Douik column 15, lines 23-27; each symptom or combination of symptoms can be related to one or many explanations or root causes)

As per claim 6, Douik teaches:

A method for providing root cause failure information about a computer system to a user, comprising the steps of:

pre-populating a diagnostic database with a plurality of pre-identified symptoms, each pre-identified symptom being linked to at least one solution; (Douik column 23, lines 7-17; all known symptoms and root causes of those symptoms are used to analyze current arising symptoms in order to come up with the cause of the problem.)

linking each pre-identified symptom with at least one failure of one asset; (Douik column 15, lines 23-27; each symptom or combination of symptoms can be related to one or many explanations or root causes)

monitoring a plurality of assets; (Douik column 15, lines 16- 20 and column 36, lines 30-34)

upon detecting a failure of an asset, activating at least one pre-identified symptom associated with the failed asset in the diagnostic database, thereby generating a activated symptom list (Douik column 15, lines 23-27; the correlation agent matches the received symptoms with the possible explanations from the knowledge base)

associating the user-observed symptom with an activated pre-identified symptom from the activated symptom list in the diagnostic database. (Douik column 15, lines 23-27; each symptom or combination of symptoms can be related to one or many explanations or root causes)

Douik does not explicitly disclose a method for presenting the activated symptom list to the user and receiving a user incident report from the user, the user incident report including at least one user-observed symptom.

In column 3, lines 11-13 and 22-23, Hiliger clearly displays a system which displays possible symptoms to a user and the user selects which symptoms that are

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present. In column 26, lines 57-58 Douik teaches coming up with a "preliminary list of suspect components" and issued. In column 36, line 67 – column 37, line 2, Douik also teaches the use of a human to further limit the possible suspects of the error. It would have been obvious to a person of ordinary skill in the art at the time of invention to include the system as taught by Hiliger, in order to create a more accurate and expedient root cause analysis. This would have been obvious because Hiliger teaches that the above system is better suited for creating efficient diagnostic process by ruling out symptoms. (Hiliger column 2, lines 43-53)

As per claim 7, Douik teaches:

The method of claim 6, further comprising the steps of:

retrieving a solution associated with the activated pre-identified symptom; (Douik column 22, lines 53-56)

executing actions listed in the solution. (Douik column 22, lines 56-59)

As per claim 8, Douik teaches:

The method of claim 6, further comprising the steps of:

analyzing failure modes; (Douik column 23, lines 1-5)

devising the plurality of pre-identified symptoms. (Douik column 23, lines 1-5)

As per claim 9, Douik teaches:

The method of claim 6, further comprising the steps of:

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creating a system incident report for each failure detected; (Douik column 22, lines 44-48; each incident is contained in a report for the correlation agent whether it be by a monitoring alarm or a used submitted incident.)

linking the system incident report to the activated pre-identified symptom. (Douik column 15, lines 23-27; each symptom or combination of symptoms can be related to one or many explanations or root causes)

Response to Arguments

Applicant's arguments filed 10/10/2006 have been fully considered but they are not persuasive.

Applicant's Argument:

Applicant argues that Douik fails to teach presenting a list of symptoms to the user so that the user may select from pre-identified symptoms.

Examiner's Response:

Applicant's arguments with respect to claims 1 and 6, concerning presenting a list of symptoms to a user have been considered but are moot in view of the new ground(s) of rejection.

Applicant's Arguments:

Applicant argues that Douik does not teach activating a set of symptoms for the purpose of presenting them to the user.

Examiner's Response:

Examiner directs applicant to Douik column 26, lines 57 and 58, "the fault type is identified and a preliminary list of suspect components is issued". This clearly teaches that a group of symptoms is singled out from the list of all possible symptoms, therefore creating an activated list of symptoms which can be issued to the user. Therefore, the examiner respectfully maintains the rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Assessor whose telephone number is (571) 272-0825. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571)272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BA



SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER